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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.17831 of 2023

1. Dharmalingam,
2. Manikandan @ Jeyamanikandan,
3. Maheshkannan @ Mahesh,
4. Karthick,
5. Boopathi @ Pethnapoomathiraj,

... Petitioners/ Accused Rank 1-5

Vs

The State rep. by
The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
Cr.No.157/2023.

... Respondent/Complainant

For Petitioners : M/s.Mareskumar E,
Advocate.

For Respondent : Mr.R.Sureshkumar,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 157/2023 on the file of the Respondent police.



ORDER : The Court made the following order :-

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The petitioners/ Accused who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148, 294(b), 323, 506(ii) of IPC in Crime No.157 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel the petitioners along with other accused abused the defacto complainant and others, assaulted and also caused criminal intimidation to them. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. Therefore, he prayed for anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the wordy quarrel the petitioners along with other accused abused the defacto complainant and others, assaulted and also caused criminal intimidation to them, hence he objected to grant anticipatory bail to the petitioners. However he fairly concedes that it is a case and case in counter and the injured has been discharged from the hospital.



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5. Considering the facts and circumstances of the case and also the fact that it is a case and case in counter and the injured has been discharged from the hospital this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Virudhunagar on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners shall appear before the trial Court on summons



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
06/10/2023

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/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



TO
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1. The Judicial Magistrate No.II, Virudhunagar.
2. Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
3. The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-14865[I] dated 09/10/2023)

ORDER

IN

CRL OP(MD) No.17831 of 2023

Date :06/10/2023

SSA/VRS/12.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023